

AFFIDAVIT

I, Lindsay Capodilupo, being duly sworn, declare and state as follows:

Introduction

1. I am a Special Agent of the Federal Bureau of Investigation and have served in that capacity for approximately three and one half years. During that time, I have participated in numerous arrests and have participated in investigations of violations of Federal Law, including firearms offenses. I am currently assigned to the FBI Boston, Bedford, New Hampshire Resident Agency.
2. The following information is based on my observations during the course of this investigation and information supplied by SA Philip Christiana, as well as other law enforcement agencies to include the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) and the Brentwood, New Hampshire Police Department (BPD). The purpose of this affidavit is limited to showing that probable cause exists to support the issuance of an arrest warrant and criminal complaint alleging aiding and abetting the making of a material false statement in connection with the acquisition of a firearm, in violation of 18 U.S.C. § 922(a)(6) and 18 U.S.C. § 2. Accordingly, this affidavit does not include each and every fact known by me or other investigators concerning the investigation
3. JOHNATHON IRISH (hereafter referred to as IRISH) is 27 years old and resides in a single family residence in Brentwood, New Hampshire. He has been in a relationship with STEPHANIE TAYLOR (hereinafter referred to as TAYLOR) since 2008 and the couple has one child.
4. On 09/21/2013, a Confidential Human Source (hereafter referred to as CHS) provided the

FBI with copies of three ATF Form 4473s related to firearm purchases made by IRISH'S wife, STEPHANIE TAYLOR (hereafter referred to as TAYLOR). I have reviewed the documents and they establish that on December 9, 2012, December 29, 2012 and January 5, 2013, Taylor purchased assault rifle "lower receivers." Under 18 U.S.C. § 921(a)(3)(A) and (B), the term firearm means any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, including the frame or receiver of any such weapon.

5. I have reviewed a physical copy of the completed ATF Form 4473 for each of the transactions completed on December 9, 2012, December 29, 2012 and January 5, 2013. Each of these forms document an over-the-counter firearms related transaction between TAYLOR as the transferee and an employee of Charlie Company's Armory, 345 Suncook Valley Road, Chichester, New Hampshire, as the transferor. Charlie Company's Armory is a federally licensed firearms dealer.

6. Section A of Form 4473 must be completed personally by the transferee. The name STEPHANIE TAYLOR appears handwritten on each of the three Forms 4473 referenced above. Further, in Section A, question 11(a) reads as follows: "Are you the actual transferee/buyer of the firearm(s) listed on this form?" This question is followed by a warning statement, printed in bold, that states: "Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you." On each of these three ATFE Forms 4473, the response to Question 11(a) is "yes" as indicated by a checkmark in the box under the "yes" column.

7. Item 16, of Section A of Form 4473 requires the signature of the transferee. Just above item 16 is a bolded section that states in part: "I certify that my answers to Section A are true,

correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering “yes” to question 11.a if I am not the actual buyer is a crime punishable as a felony under Federal Law and may also violate State and/or local law.” On each form, the signature that appears handwritten in item 16 reads as “Stephanie M. Taylor.” The “Certification Date” that appears to the right of this signature is 12/09/2012, 12/29/2012 and 1/5/2013, respectively.

8. Section D of Form 4473, which must be completed by the transferor, identifies the firearm being transferred. The Form 4473 dated December 9, 2012 identifies the firearm that was transferred as a New Frontier; Model, LW-15, Serial Number NLV25132, Type AR 15 Lower. The Form 4473 dated December 29, 2012 identifies the firearms that were transferred as a Surplus Ammo and Arms LLC, Model Low 16, Serial Number SAA02953, Type AR Lower and a New Frontier; Model, LW-15, Serial Number NLV25133, Type AR 15 Lower. The Form 4473 dated January 5, 2013 identifies the firearm that was transferred as r guns/sportswereus Model TRR15, Serial Number SGR11162, Type receiver.

9. Stephanie Taylor was interviewed by me and another FBI agent on October 31, 2013. At the interview, TAYLOR was shown a physical copy of the ATF Form 4473 dated 12/09/2012. TAYLOR confirmed that she completed the form, including an affirmative response to Question 11 (a). TAYLOR also confirmed that the signature that appears in item 16 of this form is her signature. TAYLOR was shown a physical copy of the ATF Form 4473 dated 12/29/2013. TAYLOR confirmed that she completed the form, including a response to Question 11 (a). TAYLOR also confirmed that the signature that appears in item 16 of this form is her signature. TAYLOR was shown a physical copy of the ATF Form 4473 dated 01/05/2013. TAYLOR

confirmed that she completed this form, including a response to Question 11 (a). TAYLOR also confirmed that the signature that appears in item 16 of Section A of this form is her signature.

10. Also during the 10/31/2013 interview, TAYLOR was asked whether she purchased the lower receivers indicated in the above-mentioned ATF Form 4473s. TAYLOR responded that she did not. TAYLOR stated that “Johnathon paid for them. He asked me to sign for them.”

Taylor told me that when she and IRISH left the premises of the federal firearms dealer she turned the firearms over to IRISH. TAYLOR explained that approximately a week prior to each purchase, IRISH told her of his intent to purchase the receivers. IRISH advised her that he was going to build rifles, sell them, and needed them under her name. When asked why IRISH needed them under her name, she responded that she was not sure. TAYLOR confirmed that she did not purchase the lower receivers to build the rifles herself. At the time of the purchases, TAYLOR stated she did not have the knowledge necessary to build rifles on her own.

11. During this interview, TAYLOR was shown again, the ATF Form 4473 dated 12/29/2012. She confirmed that her name and address appear on the form and that she check marked “yes” in response to Question 11(a) identifying herself as the transferee for the firearm transactions. TAYLOR confirmed that she check marked “yes” knowing that this was not correct.

Statutes Violated

Title 18, United States Code, Section 922(a)(6) provides, in pertinent part, that it shall be unlawful:

(6) for any person in connection with the acquisition . . . of any firearm . . . from a . . . licensed dealer . . . knowingly, to make any false or fictitious oral or written statement . . . intended or likely to deceive such . . . dealer . . . with respect to any fact material to the lawfulness of the sale or other

disposition of such firearm . . .

Title 18, United States Code, Section 2(a) provides, in pertinent part, that “whoever commits an offense against the United States or aids, counsel, commands, induces, or procures its commission, is punishable as a principal.”

Conclusion

Based on the information in this Affidavit, probable cause exists to believe that JOHNATHON IRISH is in violation of Title 18, United States Code, Section 922(a)(6) and Title 18, United States Code, Section 2(a). Accordingly, I request that this Honorable Court issue a Complaint and Arrest Warrant for JOHNATHON IRISH.

/s/ Lindsay Capodilupo
Lindsay Capodilupo, Special Agent
Federal Bureau of Investigation

Sworn and subscribed to before me this 1st day of November, 2013 at Concord, New Hampshire.

Landya Boyer McCafferty
United States Magistrate Judge